IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2410 OF 2006

IN

APPEAL (L) NO.475 OF 2006

AND

APPEAL (L) NO.475 OF 2006

...

Ronilo Pharma Pvt.Ltd. ...Appellant

v/s.

Mr.Rohit Gowardhadas Thakkar ...Respondent

...

Mr.J.P.Shah i/b J.P.S. Legal for the Appellant.

Mr.C.D.Patel i/b Auroma Law for the Respondent.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

1. Assuming that there is sufficient cause shown for condonation of delay, we heard the learned counsel appearing for the Appellant on merits of the Appeal.

2. We find that by the impugned order passed on 13th April, 2006 the learned single Judge made a conditional order that in case the Petitioner-company deposits an amount of Rs.5,50,000/-, the company petition for winding up filed against it shall stand disposed of, otherwise the company petition was to stand admitted and it was to be advertised. Admittedly the amount was only Rs.5,50,000/-. Eight weeks time was given to deposit the amount. Admittedly, the amount has not been deposited.

3. This appeal is filed with delay. Appeal is also not moved for orders. The learned Counsel appearing for the Respondent informs that the admission of the company petition has already been advertised. Leaving merits of the matter apart, the conduct of the Appellant-company of not depositing the amount of

Rs.5,50,000/- and allowing admission of the company petition against it to be advertised, leaves no doubt in one's mind that the learned single Judge was right in admitting the petition for winding up.

4. We see no reason to interfere with the order impugned. Motion & Appeal are, therefore, disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)